



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

February 19, 2019

OFFICE OF
AIR AND RADIATION

Mr. Touche Howard
MuckRock News
411A Highland Avenue
DEPT MR 51817
Summerfield, Massachusetts 02144

Re: Freedom of Information Act Request No. EPA-HQ-2018-005849

Dear Mr. Howard:

This is the final response to your Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (EPA or Agency) on March 27, 2018. You requested the following: *1. Any and all electronic communications produced from September 2013 through the present between these EPA employees: Paul Gunning; Alexis McKittrick (while at EPA); Eben Thoma; Melissa Weitz; David Allen (while acting as chair of the EPA Science Advisory Board); and the following persons: Paul Gunning, EPA; Melissa Weitz, EPA; Eben Thoma, EPA; David Allen (whether as chair of the EPA Advisory Board or as a professor at University of Texas (allen@che.utexas.edu)); Alexis McKittrick (whether as an EPA employee or since she left the EPA, possibly as an employee of the Institute for Defense Analyses (amckittr@ida.org); Ramon Alvarez, Environmental Defense Fund (RALvarez@edf.org); Steven Hamburg, Environmental Defense Fund (shamburg@edf.org); Drew Nelson, Environmental Defense Fund (dnelson@edf.org); Mark Brownstein, Environmental Defense Fund (mbrownstein@edf.org); David Lyon, Environmental Defense Fund (dlyon@edf.org); Dan Zimmerle, Colorado State University (Dan.Zimmerle@colostate.edu); Anthony Marchese, Colorado State University (Anthony.Marchese@colostate.edu); Allen Robinson, Carnegie Mellon University (alr@andrew.cmu.edu); Matthew Harrison, while at URS and AECOM (matt.harrison@urs.com; matt.harrison@aecom.com); Karin Ritter, American Petroleum Institute (ritterk@api.org); Adam Pasci while at University of Texas and at Chevron (adam.pasci@chevron.com); Potential relevant key words may include: methane, methane emissions, instrument problems, meters, calibration, calibration problems, Bacharach Hi-Flow sampler, Hi-Flow sampler, high flow sampler, EDF, Environmental Defense Fund, Inspector General, Touche, Touché, Touche Howard, Touché Howard, and any of the names on the queried list of senders or receivers.*

Your request is partially granted and partially denied. The Agency released 4 production sets which included 672 documents responsive to your request under interim releases through FOIAonline while withholding 90 records in its entirety. Portions of the records have been redacted pursuant to 5 U.S.C. § 552 (b)(5), because they contain pre-decisional and deliberative discussions

which would harm agency decision making if released and therefore fall under the Deliberative Process Privilege. Documents which were redacted pursuant to 5 U.S.C. § 552 (b)(6) contains personal information which would be an unwarranted invasion of privacy if released. There is no cost for the processing of this request.

This letter concludes our response to your request. You may appeal this response by email at hq.foia@epa.gov, or by mail to:

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (2310A)
Washington, D.C. 20460

Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, NW, William Jefferson Clinton North Building, Room 5315, Washington, DC 20460.

Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals *received* after the 90-calendar-day limit. Appeals received after 5:00 pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: email, ogis@nara.gov; telephone, (202) 741-5770 or (877) 684-6448; facsimile (202) 741-5769; or by mail at:

Office of Government Information Services
National Archives and Records Administration, Room 2510
8610 Adelphi Road, College Park, MD 20740-6001

We appreciate your interest in the EPA and our mission to protect public health and the environment. Should you choose to appeal this determination, please be sure to fully address all factors required by EPA's FOIA Regulations, located at 40 C.F.R., Part 2.104.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Shoaff", is written over a horizontal line.

John Shoaff
Director
Office of Air Policy and Program Support